

EDUARDO CAMACHO,	)	
	)	
Petitioner,	)	3:11-cv-00318-LRH-RAM
	)	
vs.	)	<b>ORDER</b>
	)	
E.K. MCDANIEL, <i>et al.</i> ,	)	
	)	
Respondents.	)	
	/	

There is no constitutional right to appointed counsel for a federal habeas corpus proceeding. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir.1993). The decision to appoint counsel is generally discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir.1986), cert. denied, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), cert. denied, 469 U.S. 838 (1984). However, counsel must be appointed if the complexities of the case are such that denial of counsel would amount to a denial of due process, and where the petitioner is a person of such limited education as to be incapable of fairly presenting his claims. *See Chaney*, 801 F.2d at 1196; *see also Hawkins v. Bennett*, 423 F.2d 948 (8th Cir.1970). The petition in this action appears

1 sufficiently clear in presenting the issues that petitioner wishes to raise. While petitioner indicates in  
2 his second motion that he previously received assistance in filing the petition and that such assistance  
3 is no longer available, counsel is not justified at this time. The motion is denied without prejudice.

4 **IT IS THEREFORE ORDERED** that petitioner's motion for appointment of counsel (docket  
5 #9) is **DENIED without prejudice**.

6 **IT IS FURTHER ORDERED** that petitioner's motion for proof of receipt of petitioner's  
7 motion for reconsideration for appointment of counsel (docket #18) is **DENIED** as moot.

8  
9 DATED this 22nd day of July, 2011.

10  
11 

12  
13 

---

LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE